

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

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WITH THE
N.J. BOARD OF DENTISTRY
ON 12-23-96 cm.

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO.

In the Matter of	:	
	:	Administrative Action
JOHN A. KIRKOWSKI, D.M.D.	:	
	:	CONSENT ORDER
Licensed to Practice Dentistry:	:	
in the State of New Jersey	:	

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon the receipt of a patient complaint from M.W. alleging unsanitary conditions in the office of John A. Kirkowski, D.M.D. ("Respondent"), including but not limited to dirty rooms and unsterilized equipment. Thereafter, the Board requested that the Enforcement Bureau, Division of Consumer Affairs, conduct an inspection of Respondent's premises. On July 31, 1996, an investigator for the Enforcement Bureau conducted such an inspection, and forwarded to the Board the Inspection Report which disclosed unsanitary conditions in Respondent's office. On August 5, 1996, the Enforcement Bureau received from Respondent copies of documentation regarding his disposal of medical waste.

This is the second time that the Board has received an Inspection Report revealing unsanitary conditions in Respondent's office. On January 15, 1991, a Consent Order signed by Respondent

was filed with the Board office. The basis of the 1991 Consent Order was a Report of Investigation from the Enforcement Bureau which disclosed unsanitary conditions in Respondent's office. At that time, the Board considered the entire record as well as information received at an Investigative Inquiry attended by Respondent on December 12, 1990. The resulting Consent Order, among other things, reprimanded Respondent for his negligence in permitting his dental office to become unsanitary, assessed a civil penalty in the amount of \$1,000.00 for his failure to maintain his dental office according to acceptable sanitary standards in this State, and ordered periodic, random inspections to assure that Respondent maintained his office in a sanitary condition.

In the instant case, having reviewed the entire record, including the Enforcement Bureau Inspection Report, it appears to the Board that Respondent did not conform to standard dental practice in the State of New Jersey. The Inspection Report disclosed, among other things that floors were dirty in the reception area, laboratory, darkroom, storage room, and operatory. The walls were dirty in the laboratory, darkroom, and storage room. The reception area was cluttered, and the desk and counter top were dusty. The counter top, equipment and sink in the laboratory were unclean. Further, the ceiling, cabinets, hand pieces, burrs, dental light, dental chair, and sink in the operatory were reported to be unclean.

It appearing that Respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 18th DAY OF Dec 1996,

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby assessed a civil penalty in the amount of \$2,500.00 for his failure to maintain his dental office according to acceptable sanitary standards in this State. Payment shall be made by certified check or money order to the State of New Jersey and shall be submitted to Agnes Clarke, Executive Director of the Board of Dentistry, 124 Halsey Street, 6th Floor, Newark, New Jersey 07102. Respondent shall pay the civil penalty of \$2,500.00 in twelve monthly installments with the first installment to be in the amount of \$300.00 and every payment thereafter to be in the amount of \$200.00. The first payment shall be due by January 15, 1997 and all payments thereafter shall be due by the fifteenth day of the month up to and including December 15, 1997 when the full amount of \$2,500.00 shall have been paid in full. In the event that any payment is not timely, the Board may without prior notice demand payment in full.

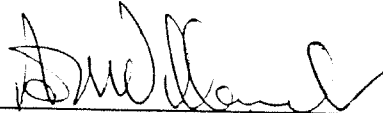
2. Respondent is hereby assessed the costs of the investigation to the State in this matter in the amount of \$492.55.

3. Respondent shall take all necessary steps to assure that his office is maintained in a clean and sanitary condition. Respondent shall afford access to his dental office for periodic, random inspections by the Enforcement Bureau for the purpose of assuring the Board that he is maintaining his office in a sanitary condition. Respondent shall be responsible for paying the costs of these inspections. Said inspections shall be conducted in a manner so as not to disrupt Respondent's dental practice.

4. Respondent is hereby reprimanded by the State Board of Dentistry for his negligence in permitting his dental office to become unsanitary.

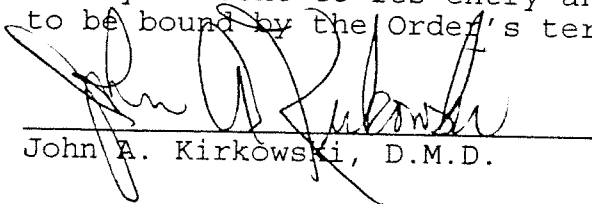
5. Respondent shall submit to the Board proof that the autoclave has been inspected by an independent agency. This proof shall be submitted to Agnes Clarke, Executive Director, within fourteen days of the filing of this Consent Order.

STATE BOARD OF DENTISTRY



Anthony Villane, D.D.S.
President

I have read the within Order
and understand its terms. I
hereby consent to its entry and
to be bound by the Order's terms.



John A. Kirkowski, D.M.D.